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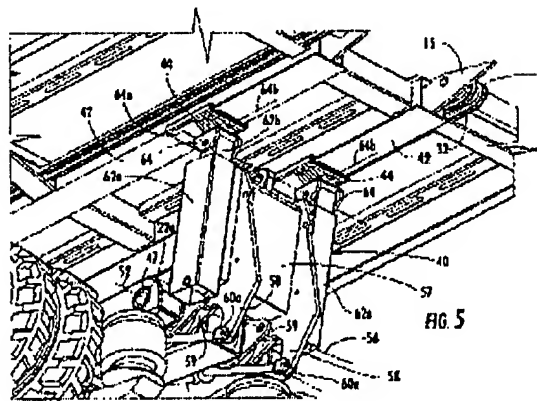
Remarks:

The amendments and remarks presented herein are believed to be fully responsive to the Final Office Action dated December 30, 2005.

Claims 1-9, 11-25, 27-29, 31-35 and 37-57 remain pending in the application. Claims 10, 26, 30 and 36 have been canceled without prejudice.

CLAIM REJECTION UNDER 35 U.S.C. §112:

Claim 6 was rejected under 35 U.S.C. § 112, second paragraph. Applicants submit that claim 6 is properly worded and particularly points out and distinctly claims the subject matter of the invention of claim 6. The claim states that the first and second lateral axes are coaxial. The lateral axes are defined in claim 1 as where the boom is pivotally mounted to frame portion (the first lateral axis at the frame portion), and where the pair of rear supports are pivotally mounted at the rear end of the frame portion (the second lateral axis at said frame portion). An example of this arrangement is shown in Figure 5 of the present application (partially reproduced to the right), where the boom and the rear supports are pivotable about the pivot axis 52. Thus, the first lateral axis and the second lateral axis are coaxial. Note that the rear supports may also or otherwise pivot about another lateral axis (c.g., pivot axis 56 in Fig. 5).



The Office Action states that the deck and rear supports are pivotable about a common lateral axis at 35, while the rear supports pivot about the axis 56 at the frame. Applicants note that the reference numeral 35 does not refer to a pivot axis, but refers to the

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hydraulic motor mounted to the deck for conveying objects along the deck. While the rear supports may pivot about the lateral pivot axis 56, it is further disclosed in the present application that the rear supports may pivot about the lateral pivot axis 52. For example, the present application discloses that pivotal movement of the boom 38 about the pivot axis 52 causes a corresponding pivotal movement of the mounting brackets 59, and thus of the supports 40, about the pivot axis 52. See, for example, page 11, paragraph [0057] of the present application.

Therefore, the first and second lateral pivot axes can be coaxial, as claimed in claim 6. Reconsideration and withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §102(b) and §103(a):

Claims 46-54 were rejected under 35 U.S.C. §102(b) as being anticipated by Humes, U.S. Patent No. 3,734,538. Claims 1-9, 11, 12, 24, 25, 27-29, 31-35 and 37-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over Scheele, U.S. Patent No. 3,743,044, in view of Kishi, U.S. Patent No. 4,638,887, and further in view of Pwthers, U.S. Patent No. 3,485,400. Claims 13-16 and 19-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Scheele, in view of Kishi and Pwthers, and further in view of Humes, while claims 17 and 18 were rejected under §103(a) as being unpatentable over Scheele, in view of Pwthers and Kishi, further in view of Humes, and further in view of Richnow, U.S. Patent No. 3,096,995, and claim 23 was rejected under §103(a) as being unpatentable over Scheele, in view of Kishi and Pwthers, and further in view of Kallansrud, U.S. Patent No. 5,110,153. Claims 55-57 were rejected under §103(a) as being unpatentable over Humes, in view of Richnow.

Applicants respectfully traverse the rejections under 35 U.S.C. §102(b) and §103(a) for the reasons set forth below.

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Rejection of Independent Claims 1, 25 and 35:

With respect to the rejection of independent claims 1, 25 and 35, Applicants submit that Scheele, either alone or in combination with Pewthers and/or Kishi, does not disclose, teach, suggest or render obvious the trailer of the present invention, particularly as set forth in independent claims 1, 25 and 35, and in the claims depending therefrom. As claimed in independent claims 1 and 35, the present invention provides a three point attachment of the deck to the wheeled frame portion via an extendable/retractable boom and a pair of pivotable rear supports. The deck thus is pivotable about multiple axes relative to the frame and is movable longitudinally relative to the frame. Extension and retraction of the boom functions to vertically move a portion of the deck and/or to longitudinally move the deck relative to the rear supports and/or the frame portion. Such a configuration is neither disclosed nor suggested in any of the references cited of record.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference or references when combined must teach or suggest all the claimed limitations. The teaching or suggestion to make the combination and the reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). See MPEP § 2143.

Scheele discloses an elevating platform transporter for loading and unloading cargo aircraft. The transporter has an article supporting bed supported on wheel carrying axles. The bed or platform is supported by four telescoping hydraulic cylinders which extend and retract to raise and lower the bed. The purposes and advantages of the Scheele invention are that the platform has roll and pitch capabilities to accommodate uneven terrain and is vertically movable to load and unload aircraft. There is no disclosure or suggestion in Scheele of the bed or platform being

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slidably supported on any of the telescoping cylinders or even of the bed or platform being at all movable in the longitudinal direction relative to the telescoping cylinders. Further, there is no teaching or suggestion in Scheele to include an extendable and retractable device or boom that may pivot relative to the frame portion to raise and lower a portion of the bed and/or to move the bed longitudinally.

The Office Action now cites both Kishi and Pewthers as providing the missing elements of the Scheele disclosure. Kishi discloses a lifting apparatus that has an extendable boom type structure that is extended and retracted to vertically raise the platform above the chassis. Kishi teaches that the hydraulic cylinders of the apparatus are controlled so that the platform is raised vertically upward and is kept horizontal at all times (see column 5, lines 2-19 of Kishi).

Pewthers discloses a vehicle with a bed that is slidably carried on a sub-frame, which is pivotally connected to the supporting components of the vehicle frame. The sub-frame thus pivots or tilts relative to the vehicle frame, and the bed may slide rearward along the sub-frame. The purposes and advantages of the Pewthers vehicle are disclosed as the capability of downward and rearward tilting of the bed to the ground, and the capability of raising the rear of the vehicle above the ground.

Applicants submit that, while Kishi does disclose an extendable boom type structure, the structure of Kishi is not at all related to a trailer that is attached to a frame portion via an extendable boom and a rear support whereby extension and retraction of the boom raises the trailer deck and/or slides the trailer deck longitudinally relative to the rear support. In stark contrast to the present invention, the boom of Kishi is extended and retracted to vertically raise the platform while keeping the platform horizontal at all times. There is no disclosure or suggestion in Kishi of moving the platform longitudinally relative to the chassis. Moreover, Kishi teaches away from such movement by teaching that the hydraulic cylinders are controlled so that the platform is vertically raised upward and is kept horizontal at all times.

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Kishi thus merely discloses a lifting device with a well known extendable/retractable boom structure. The Office Action takes the unrelated disclosure of Kishi and states that it would be obvious to combine the boom structure of Kishi with the teachings of Scheele and Pewthers to arrive at the present invention, even though there is no suggestion or motivation in either patent to do so. Such a piecemeal approach to finding obviousness is improper. *Environmental Designs Ltd. v. Union Oil Co. of California*, 713 F.2d 693, 218 USPO 865 (Fed. Cir. 1983).

Further, there is no suggestion or motivation to combine the teachings of Pewthers with the teachings of Scheele or Kishi, and there is no reasonable expectation of success found in the prior art patents. Pewthers does not disclose or suggest pivotally supporting a bed or deck or platform at a frame portion, such that the deck is pivotable about both a longitudinal axis and a lateral axis of the deck. To the contrary, the bed of Pewthers functions only to tilt at the rearward end of the vehicle frame and to slide along the sub-frame that is pivotally attached to the vehicle frame, in order to ease loading and unloading of the bed. The purpose of the Pewthers vehicle is disclosed as being for tilting the bed rearward to the ground and/or raising the rear of the vehicle above the ground. Pewthers thus teaches away from Scheele, since Pewthers teaches downward tilting of the bed to the ground level, while Scheele teaches maintaining the deck in a level orientation and vertically raising the level deck for loading an aircraft. Thus, there is no suggestion or motivation in Scheele or Pewthers to combine the rearward and downward tilting capability of Pewthers with the vertical lifting capability and the roll and pitch capabilities of Scheele, nor is there any reasonable expectation of success found in the prior art for such a combination. Again, such a piecemeal approach to finding obviousness is improper. *Environmental Designs Ltd. v. Union Oil Co. of California*, 713 F.2d 693, 218 USPQ 865 (Fed. Cir. 1983).

Applicants submit that the combination of Scheele, Pewthers and Kishi is improper, and further submit that a boom structure and/or a sliding bed has no place in the Scheele transport,

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since there is no disclosure or suggestion or motivation in Scheele of having the bed move longitudinally relative to the supports and/or vehicle frame. The Office Action states that combining the teachings of the references does not require an ability to physically combine their specific structures. While this may be true in some cases, there still must be some suggestion or motivation to combine the teachings, and there must be some reasonable expectation of success of such a combination. Moreover, the teaching or suggestion to make the combination and the reasonable expectation of success must both be found *in the prior art* and not based on the applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). See MPEP § 2143. Applicants submit that there is no disclosure or suggestion in Scheele or Kishi or Pewthers that would lead one of ordinary skill in the art to make such a combination nor to believe that there would be any expectation of success even if such a combination were made. The Examiner is improperly basing the motivation to combine and the expectation of success on Applicants' disclosure and not on the prior art.

Therefore, because of the stark contrasts between the vehicles or devices of the Scheele, Kishi and Pewthers patents, Applicants submit that there is no suggestion or motivation in the prior art to combine the teachings of Kishi and/or Pewthers with the teachings of Scheele, nor would there be any reasonable expectation of success if such a combination were made. As discussed above, Scheele discloses an elevating platform transporter for loading and unloading cargo aircraft, where the platform has roll and pitch capabilities to accommodate uneven terrain and is vertically movable to load and unload aircraft. There is no teaching or suggestion or motivation in Scheele of including an extendable boom and/or of moving the platform longitudinally relative to the vehicle frame, nor would it be obvious to one of skill in the art to add such a feature to Scheele, since such a feature would not be of benefit to the Scheele transporter for its intended and disclosed purposes (vertical lifting and roll and pitch capabilities). The Office Action further states that the motivation to combine Scheele and Pewthers comes from beneficial features that would result from the combination, "such as, the ability to extend the platform over an area that is not traversable by the trailer while at the same time compensating for uneven terrain." However, Applicants cannot

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find any such suggestion or motivation in either the Scheele or Pewthers or Kishi patents. While this may be a benefit achieved by the present invention, it was not a benefit that was contemplated by Scheele or Pewthers or Kishi at the time of their inventions, and certainly is not found or suggested in any of these patents. The teaching or suggestion to make the combination and the reasonable expectation of success *must be found in the prior art* and not based on Applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). *See* MPEP § 2143. It is improper to find either the motivation or the reasonable expectation of success in the disclosure of the present application. Because there is no suggestion or motivation to combine the teachings of these patents, and because there is no reasonable expectation of success for such a combination found in these patents, the combination is improper.

Therefore, Applicants respectfully submit that, due to the stark contrasts between the Scheele transporter and the Kishi lifter and the Pewthers vehicle, there is no suggestion or motivation to combine the teachings of Pewthers and Kishi with the teachings of Scheele, nor would there be any reasonable expectation of success of such a combination. Applicants thus respectfully submit that the combination of Scheele, Kishi and Pewthers is improper and, even if made, does not disclose, teach, suggest or render obvious the trailer of the present invention, particularly as set forth in independent claims 1, 25 and 35, and in the claims depending therefrom. For example, none of these patents, either alone or in combination with one another, disclose or suggest a trailer with an extendable boom and one or more rear supports supporting a deck that is pivotable about longitudinal and lateral axes, and with the deck being slidable and pivotable at an upper end of the rear support or supports, and whereby extension and retraction of the boom causes longitudinal movement of the deck relative to the rear support or supports, as is claimed herein. Reconsideration and withdrawal of the rejection of independent claims 1, 25 and 35 and the claims depending therefrom is respectfully requested.

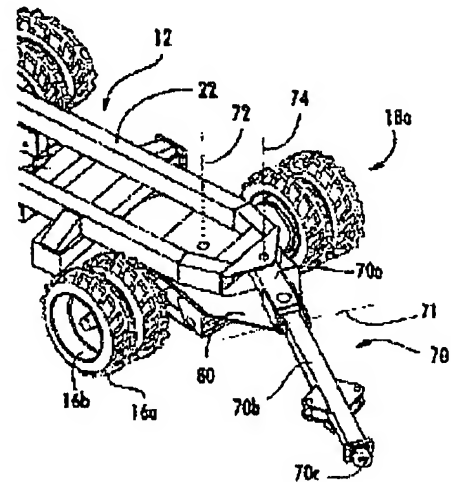
With respect to the rejections of the dependent claims 2-9, 11-24, 27-29, 31-34 and 37-45, which were rejected in view of the same combination or in further view of additional

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patents, Applicants submit that the cited combinations do not disclose, teach, suggest or render obvious the claimed invention of these claims for at least all of the reasons set forth above.

Rejection of Independent Claim 46:

With respect to the rejection of claims 46-57, Applicants submit that Humes does not disclose, teach or suggest the trailer of the present invention, particularly as set forth in independent claim 46 and the claims depending therefrom. Claim 46 is drawn to an arrangement of a hitching member at a steerable axle base of the trailer frame. An example of such a configuration is shown in Figure 26 of the present application. As can be seen in Figure 26, partially reproduced below, the steerable axle base 80 is pivotally attached to the frame 12 and pivotable about a first generally vertical axis 72, while the hitching member 70 extends from a front portion of the frame portion 12. The hitching member 70 is pivotally attached to the front portion of the frame portion and is pivotable about a second generally vertical axis 74 relative to the front portion of the frame portion. The second generally vertical axis 74 is spaced from and forward of the first generally vertical axis 72. The hitching member is movably attached (such as at 80a as shown in Figure 28) to the axle base 80 forward of the first and second generally vertical axes such that pivotal movement of the hitching member about the second generally vertical axis 74 causes pivotal movement of the axle base about the first generally vertical axis 72.



In stark contrast to the claimed invention of independent claim 46, Humes discloses a steering assembly for trailers that are connected to a cab or vehicle via a fifth wheel connection. Thus, there is no hitching member in Humes that extends from a front portion of the frame portion

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of the trailer for connecting the trailer to a towing vehicle. The Office Action states that the hitching member limitation is met by the item of reference numeral 12 in Humes. Reference numeral 12 refers to the truck or towing tractor of Humes and is not part of the trailer and thus cannot meet the limitations of a hitching member extending from the frame of the trailer and pivotally attached to the frame of the trailer and movably attached to the axle base of the trailer.

Nor does Humes disclose, teach or suggest a hitching member that is pivotally attached to the front portion of the frame portion and that is pivotable about a second generally vertical axis that is spaced from and forward of the first generally vertical axis of a steerable axle. Nor is there any disclosure, teaching or suggestion in Humes of such a hitching member being movably attached to an axle base at a location that is forward of the first and second generally vertical axes. Applicants thus respectfully submit that Humes, either alone or in combination with any other cited reference, does not disclose, teach, suggest or render obvious the trailer of the present invention, particularly as set forth in independent claim 46 and the claims depending therefrom. Reconsideration and withdrawal of the rejection of claims 46-57 is respectfully requested.

Accordingly, Applicants respectfully submit that Scheele, Kishi, Pewthers and/or Humes, either alone or in combination with one another or with any other prior art of record, does not disclose, teach, suggest or renders obvious the trailer of the present invention, particularly as set forth in independent claims 1, 25, 35 and 46, and in the claims depending therefrom.

Claims 1-9, 11-25, 27-29, 31-35 and 37-57 remain pending in the application. Applicants respectfully submit that all of the pending claims are in condition for allowance and a notice to that effect is earnestly and respectfully requested. Should the Examiner have any questions or concerns with the above discussion, the Examiner is invited to contact the undersigned to discuss this matter further.


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Respectfully submitted,

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Date: February 27, 2006.



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